

117TH CONGRESS
1ST SESSION

S. _____

To provide funds for addressing COVID–19 conditioned on requiring the use of face coverings in public, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. MARKEY introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To provide funds for addressing COVID–19 conditioned on requiring the use of face coverings in public, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Encouraging Masks
5 for All Act of 2021”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The widespread use of face coverings by the
9 public is essential to help slow the spread of the
10 virus that causes COVID–19 and help prevent the

1 transmission of such virus by individuals who do not
2 show symptoms.

3 (2) The Government has an interest in encour-
4 aging the use of face coverings in public and each
5 place of business to protect the health of populations
6 that are at a higher risk of developing severe illness
7 from COVID-19, including—

8 (A) the immunocompromised;

9 (B) individuals who are 65 years of age or
10 older; and

11 (C) individuals living with chronic lung dis-
12 ease, moderate to severe asthma, serious heart
13 conditions, diabetes, chronic kidney disease, se-
14 vere obesity, or liver disease.

15 (3) Overwhelming scientific evidence has shown
16 that face coverings block a high portion of res-
17 piratory droplets that spread the virus that causes
18 COVID-19.

19 (4) Evidence from an international cross-dis-
20 ciplinary review of scientific research has shown
21 that—

22 (A) using a face covering in public is most
23 effective at reducing the spread of COVID-19
24 when compliance is high; and

1 (B) transmission in a community is sub-
2 stantially lower when individuals are required to
3 use a face covering or where the use of a face
4 covering is widespread.

5 (5) The widespread use of face coverings sub-
6 stantially reduces the number of fatalities, the cases
7 of severe illness, and continued economic losses that
8 result from transmission of the virus that causes
9 COVID–19.

10 (6) The widespread use of face coverings is nec-
11 essary (but not by itself sufficient) to slow the
12 spread of the virus that causes COVID–19 and
13 should be promoted along with regular handwashing,
14 social distancing, testing, and minimizing non-
15 essential activities outside of the household.

16 **SEC. 3. USE OF FACE COVERINGS IN PUBLIC.**

17 (a) **CONDITIONAL FUNDING WITH RESPECT TO**
18 **FACE COVERINGS.—**

19 (1) **IN GENERAL.—**The Secretary of Health and
20 Human Services (in this Act referred to as the “Sec-
21 retary”), acting through the Director of the Centers
22 for Disease Control and Prevention, using amounts
23 appropriated under paragraph (3), shall award a
24 grant to each State, territory, local government, and
25 Tribal government that, during the emergency pe-

1 riod, subject to the exceptions under paragraph (2),
2 requires the use of face coverings in public (includ-
3 ing in each place of business) in the respective juris-
4 diction, consistent with public health guidelines
5 issued by the Centers for Disease Control and Pre-
6 vention. The grants awarded under this paragraph
7 shall be in such amount as the Secretary determines
8 appropriate, and shall be used by the recipient for
9 purposes of carrying out activities related to the pre-
10 vention of the transmission of COVID–19 in the ap-
11 plicable jurisdiction.

12 (2) EXCEPTIONS.—The face covering require-
13 ment of a State, territory, local government, or Trib-
14 al government described in paragraph (1) may pro-
15 vide for exceptions with respect to—

16 (A) outdoor spaces where individuals may
17 maintain a distance of at least 6 feet from
18 other individuals who are not members of the
19 same household;

20 (B) any individual who—

21 (i) is under 2 years of age;

22 (ii) has a medical condition in which
23 wearing a face covering could obstruct the
24 ability of the individual to breathe;

1 (iii) is unable to remove a face cov-
2 ering without assistance; or

3 (iv) is receiving a service that requires
4 temporary removal of the face covering, in-
5 cluding a service with respect to a food or
6 beverage; or

7 (C) other circumstances, as determined by
8 the Secretary, provided that any exception
9 under this subparagraph shall be approved by
10 the Director of the Centers for Disease Control
11 and Prevention and the Director of the Na-
12 tional Institute of Allergy and Infectious Dis-
13 ease.

14 (3) APPROPRIATIONS.—

15 (A) IN GENERAL.—There are hereby ap-
16 propriated to the Public Health and Social
17 Services Emergency Fund, out of amounts in
18 the Treasury not otherwise appropriated,
19 \$5,000,000,000, for transfer to the Secretary
20 for the purpose of awarding grants under pa-
21 ragraph (1).

22 (B) EMERGENCY DESIGNATION.—

23 (i) IN GENERAL.—The amounts pro-
24 vided by this paragraph are designated as
25 an emergency requirement pursuant to sec-

1 tion 4(g) of the Statutory Pay-As-You-Go
2 Act of 2010 (2 U.S.C. 933(g)).

3 (ii) DESIGNATION IN SENATE.—In the
4 Senate, this paragraph is designated as an
5 emergency requirement pursuant to section
6 4112(a) of H. Con. Res. 71 (115th Con-
7 gress), the concurrent resolution on the
8 budget for fiscal year 2018.

9 (b) GRANTS TO PROMOTE FACE COVERINGS.—

10 (1) IN GENERAL.—Not later than 30 days after
11 the date of the enactment of this Act, the Secretary
12 may award grants to States, territories, and Tribal
13 governments to promote access to, and use of, face
14 coverings for the purpose of minimizing the risk of
15 exposure to COVID–19, including installing face
16 covering dispensers in public.

17 (2) APPLICATION.—To be eligible for a grant
18 under this section, a State, territory, and Tribal gov-
19 ernment shall submit to the Secretary an application
20 at such time, in such form, and containing such in-
21 formation as the Secretary determines appropriate,
22 including a certification that the State will meet the
23 requirements under paragraph (3).

24 (3) USE OF FUNDS.—A State, territory, and
25 Tribal government that receives a grant under this

1 section shall use grant funds to promote access to
2 face coverings for the purpose of minimizing the risk
3 of exposure to COVID–19 in accordance with—

4 (A) guidelines determined necessary by the
5 Secretary; and

6 (B) guidelines provided by the Centers for
7 Disease Control and Prevention with respect to
8 the use of face coverings.

9 (4) APPROPRIATIONS.—There is authorized to
10 be appropriated to carry out this section
11 \$75,000,000 for the period of fiscal years 2021
12 through 2022.

13 (c) DEFINITIONS.—

14 (1) EMERGENCY PERIOD.—The term “emer-
15 gency period” has the meaning given such term in
16 section 1135(g)(1)(B) of the Social Security Act (42
17 U.S.C. 1320b–5(g)(1)(B)).

18 (2) FACE COVERING.—The term “face cov-
19 ering” means any material that covers the nose and
20 mouth of an individual.

21 **SEC. 4. FACE COVERINGS REQUIRED IN FEDERAL FACILI-**
22 **TIES.**

23 (a) FACE COVERINGS REQUIRED.—Each Federal
24 agency shall take action to ensure that an individual is
25 required to wear a face covering if such individual is—

1 (1) inside a Federal facility under the jurisdic-
2 tion of such agency; and

3 (2) within 6 feet of another individual.

4 (b) ENFORCEMENT.—A Federal agency may remove
5 or deny service to an individual who fails to wear a face
6 covering in accordance with subsection (a).

7 (c) PROVISION OF FACE COVERINGS.—Each Federal
8 agency shall make face coverings available at each en-
9 trance to a Federal facility at which such agency main-
10 tains a presence.

11 (d) FUNDING.—A Federal agency shall use funds
12 otherwise appropriated to such agency to carry out this
13 section.

14 (e) DEFINITIONS.—In this section, the following defi-
15 nitions apply:

16 (1) CAPITOL BUILDINGS.—The term “Capitol
17 Buildings” has the meaning given such term in sec-
18 tion 5101 of title 40, United States Code.

19 (2) FACE COVERING.—The term “face cov-
20 ering” means any material that covers the nose and
21 mouth of an individual.

22 (3) FEDERAL AGENCY.—The term “Federal
23 agency” has the meaning given such term in section
24 102 of title 40, United States Code, except that with
25 respect to Capitol Buildings the Office of the Archi-

1 tect of the Capitol shall be treated as the relevant
2 Federal agency.

3 (4) FEDERAL FACILITY.—The term “Federal
4 facility” means—

5 (A) a building or any part thereof owned
6 or leased by the Federal Government for use by
7 a Federal agency; and

8 (B) the Capitol Buildings or any part
9 thereof.

10 (f) TERMINATION.—The requirements of this section
11 shall cease to have effect on the date on which the Director
12 of the National Institute of Allergy and Infectious Dis-
13 eases determines, and publishes in the Federal Register
14 a notification of such determination, that the requirement
15 to wear a face covering is no longer necessary to prevent
16 transmission of SARS-CoV-2.